

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

LUIS ANTONIO ORTIZ, individually and on
behalf of others similarly situated,

Plaintiff,

-against-

RED HOOK DELI AND GROCERY 2015
CORP. (D/B/A RED HOOK GOURMET
DELI), SALAL SAHID, WESSEIN SAHID,
JOHN DOE 1, and JOHN DOE 2,

Defendants.

Case No. 17-cv-07095-RRM-RLM

**AFFIRMATION OF MICHAEL
FAILLACE IN SUPPORT OF REQUEST
FOR CERTIFICATE OF DEFAULT**

MICHAEL FAILLACE, an attorney duly admitted to practice law before this Court,
hereby declares under the penalty of perjury:

1. I am counsel for Plaintiff in this matter, and I am fully familiar with the facts
herein. I submit this declaration in support of plaintiffs' request for entry of default.

2. This action was commenced on December 6, 2017, by the filing of the Complaint
(D.E. 1), pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. ("FLSA"),
the New York Labor Law ("NYLL") §§190 and 650 et seq., and "overtime wage order"
respectively codified at N.Y.C.R.R. Tit. 12 §§ 142-2.2, 2.4), (the "NYLL"), and the "spread of
hours" and overtime wage orders of the New York Commissioner of Labor codified at N.Y.
COMP. CODES R. & REGS. Tit. 12, § 146-1.6 (herein the "Spread of Hours Wage Order"),
including applicable liquidated damages, interest, attorney's fees and costs.

3. A first amended complaint was filed on December 7, 2018 (D.E. 5).

4. The time for defendants Red Hook Deli and Grocery 2015 Corp. (d/b/a Red Hook Gourmet Deli), Salal Sahid, Wessein Sahid, John Doe 1, and John Doe 2, to answer or otherwise move with respect to the amended complaint herein has expired.

5. Defendants Red Hook Deli and Grocery 2015 Corp. (d/b/a Red Hook Gourmet Deli), Salal Sahid, Wessein Sahid, John Doe 1, and John Doe 2 have not answered or otherwise moved with respect to the amended complaint, and the time for defendants Red Hook Deli and Grocery 2015 Corp. (d/b/a Red Hook Gourmet Deli), Salal Sahid, Wessein Sahid, John Doe 1, and John Doe 2 to answer or otherwise move has not been extended.

6. Defendants Salal Sahid, Wessein Sahid, John Doe 1, and John Doe 2 are not infants or incompetents. Defendants Salal Sahid, Wessein Sahid, John Doe 1, and John Doe 2 are not presently in the military service of the United States as appears from facts in this litigation.

7. WHEREFORE, Plaintiff requests that the default of Defendants Red Hook Deli and Grocery 2015 Corp. (d/b/a Red Hook Gourmet Deli), Salal Sahid, Wessein Sahid, John Doe 1, and John Doe 2 be noted and certificates of default issued.

8. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiff, and that no part thereof has been paid.

Executed on: April 9, 2018

/s/ Michael Faillace
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